

ASSEMBLY, No. 461

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

SYNOPSIS

Increases thresholds for environmental assessment requirements for certain transportation projects under Executive Order No. 215 of 1989.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning environmental assessments for certain
2 transportation projects and supplementing P.L.1984, c.73
3 (C.27:1B-1 et seq.).
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. a. Notwithstanding the provisions of Executive Order No.
9 215 of 1989 to the contrary, toll road authorities, the New Jersey
10 Transit Corporation, and the department shall not be required to
11 prepare and submit to the Department of Environmental Protection,
12 pursuant to Executive Order No. 215 of 1989, an environmental
13 assessment for a public highway or public transportation project
14 that has anticipated construction costs of \$3 million or less.

15 b. (1) Notwithstanding the provisions of Executive Order No.
16 215 of 1989 to the contrary, toll road authorities, the New Jersey
17 Transit Corporation, and the department shall not be required to
18 prepare and submit to the Department of Environmental Protection,
19 pursuant to Executive Order No. 215 of 1989, an environmental
20 impact statement for a public highway or public transportation
21 project that has anticipated construction costs of \$7 million or less
22 and land disturbance in excess of five acres.

23 (2) Notwithstanding the provisions of paragraph (1) of this
24 subsection, the Department of Environmental Protection may
25 require a toll road authority, the New Jersey Transit Corporation, or
26 the department to submit an environmental assessment for a public
27 highway or public transportation project that has anticipated
28 construction costs between \$5 and \$7 million and land disturbance
29 in excess of five acres.

30 c. The Department of Environmental Protection shall annually
31 increase the thresholds established in subsections a. and b. of this
32 section to appropriately account for inflation utilizing a federally
33 published measure of inflation that indexes construction costs over
34 an area encompassing New Jersey, and shall publish notice of this
35 increase on the department's Internet website and in the New Jersey
36 Register.

37 d. Nothing in this section shall be construed to abrogate or
38 limit the authority of the Department of Environmental Protection
39 to require the submission of an environmental assessment or
40 environmental impact statement for a public highway or public
41 transportation project pursuant to any other law.
42

43 2. This act shall take effect immediately.

STATEMENT

This bill would increase the monetary thresholds at which certain transportation projects are required to submit environmental assessments (EA) or environmental impact statements (EIS) to the Department of Environmental Protection (DEP).

Pursuant to Executive Order No. 215 of 1989 (EO 215), a department, agency, or authority of the State that seeks to carry out a transportation project with anticipated construction costs greater than \$1 million is required to submit an EA to the DEP. In addition, EO 215 requires the submission of an EIS for a project with anticipated construction costs greater than \$5 million and land disturbance in excess of five acres. This bill would increase these thresholds to \$3 million and \$7 million, respectively, for the New Jersey Turnpike Authority, the South Jersey Transportation Authority, the New Jersey Transit Corporation, and the Department of Transportation. These new thresholds would be annually adjusted for inflation, under the bill. Finally, the bill would clarify that the DEP may require an EA for a project with a land disturbance in excess of five acres and estimated costs between \$5 million and \$7 million (which, under current law, would require an EIS).